

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TOLL BROS. INC.,

Plaintiff,

v.

RONALD A. SCHECKTER,

Defendant.

07 Civ. 4074 (SCR)

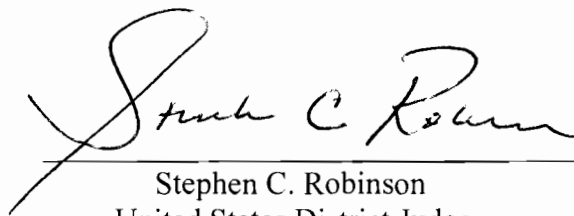
STEPHEN C. ROBINSON, District Judge:

The Plaintiffs filed this action on May 24, 2007 and failed to serve the complaint during the time allotted by the Federal Rules of Civil Procedure. *See* F.R.C.P. 4(m). The parties also failed to appear for the initial case management conference scheduled for September 14, 2007. Under Federal Rule of Civil Procedure 4(m), “[i]f service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time...” On October 19, 2007, the Court ordered the Plaintiffs to show cause by letter or written submission why the complaint should not be dismissed. Since that time, nothing has been submitted to or filed with the Court.

Accordingly, the Court having deemed this action abandoned, the above entitled action is dismissed without prejudice under F.R.C.P. 4(m). The Clerk of the Court is directed to close the case.

It is so ordered.

White Plains, New York

Dated: August 29, 2008


Stephen C. Robinson
United States District Judge